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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

FRANCISCO “DANIEL” FLORES,
CONSTANTINO “FERNANDEZ” HERNANDEZ,
ENRIQUE HERNANDEZ, VALERIANO
“FERNANDO” SALVADOR, and ALEJANDRO
JIMENEZ, on behalf of themselves and others
similarly situated,

Plaintiffs,

v.

ANJOST CORP. d/b/a ZARO’S BAKERY,
STUART D. ZARO, and JOSEPH ZARO,

Defendants.

No. 11 Civ. 1531

**NOTICE OF MOTION FOR CERTIFICATION OF THE SETTLEMENT
CLASS, FINAL APPROVAL OF CLASS ACTION SETTLEMENT,
AND APPROVAL OF THE FLSA SETTLEMENT**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs’ Motion for Certification of the Settlement Class, Final Approval of the Class Action Settlement, and Approval of FLSA Settlement (“Plaintiffs’ Motion for Final Approval”), in the Declaration of Justin M. Swartz in Support of Plaintiffs’ Motion for Final Approval (“Swartz Decl.”), in the Declaration of C.K. Lee in Support of Plaintiffs’ Motion for Final Approval (“Lee Decl.”), and

the supporting exhibits attached thereto, Plaintiffs respectfully request that the Court enter an Order:

- (1) certifying the following class under Federal Rule of Civil Procedure 23(a) and (b)(3), for settlement purposes:

All current and former non-exempt employees (including delivery persons) who were employed by Defendants in New York from March 7, 2005 until the present.

- (2) granting final approval of the Joint Stipulation of Settlement and Release, attached as Exhibit A to the Swartz Decl.;

- (3) granting final approval of the FLSA Settlement; and

- (4) granting any other relief that the Court deems just and proper.

* * *

Plaintiffs have contemporaneously submitted a Proposed Order, attached hereto as **Exhibit A**, for the Court's convenience.

Dated: December 20, 2013
New York, New York

Respectfully submitted,

By: /s/ Justin M. Swartz
Justin M. Swartz

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